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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt reconsideration and allowance of the claims are respectfully requested.

Status of Claims

Claims 1-23 are pending in the application. Claims 21-23 have been amended.

Claims 21-23 have been amended for clarification only. This amendment does not narrow the scope of the claims, nor is it being made for reasons of patentability. The amended claims are not subject to the complete bar against the use of the Doctrine of Equivalents as outlined in *Festo Corporation v. Shoketsu Kinsoku Kogyo Kapushiki Co., Ltd. a/ka/ SMC Corporation and SMt Pneumatics, Inc.*, as the amendment is not being made for reasons of patentability.

Applicant respectfully asserts that the amendments to the claims add no new matter.

Allowable Subject Matter

In the Office Action, the Examiner stated that claims 1-5 and 12-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In view of the discussion below, which reflects Applicants' position that amended independent claims 21-23, and all the claims dependent therefrom are patentable, including dependent claims 1-5 and 12-20, Applicant respectfully submits that claims 1-5 and 12-20 are allowable in their present dependent form.

CLAIM REJECTIONS

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35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 21-23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner contended that claims 21-23 recite the limitation "sufficient and insufficient authorization", and that it is not clear on what is required to be "insufficient or sufficient".

Claims 21-23 have been amended appropriately to remove the "sufficient and insufficient" language to which the Examiner objected. Applicant respectfully asserts that these amendments render claims 21-23 proper under 35 USC 112 and requests that the rejections be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 6-11 and 21-23 under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent Application Publication 2002/0055833 to Sterling, Deborah (hereinafter "Sterling").

Applicant respectfully traverses the rejection of claims 6-11 and 21-23 under 35 U.S.C. § 102(e), because a prima facie case of anticipation has not been established, as discussed below.

Initially, Applicant would like to point out that the Examiner has not indicated in sufficiently concrete terms how each and every element of independent claims 21-23 is reflected in the Sterling reference. Instead, the Examiner referred generally to certain parts of the rejected claims and to certain portions of the Sterling reference, without specifically indicating how the cited portions of Sterling read on the claims. Therefore, in order to advance the prosecution of the present Application, especially since this Office Action was made Final, if the Examiner decides to maintain his current rejections upon further consideration, the Examiner is hereby requested to provide further guidance as to how each and every element of the claim is specifically anticipated by the Sterling reference.

As is well established, in order to establish a prima facie case of anticipation, the prior art reference must teach or suggest all the claim limitations.

As discussed in detail below, Applicant respectfully submits that Sterling does not disclose, teach, or fairly suggest one or more of the features recited by claims 21-23. For example, Applicant respectfully submits that Sterling does not disclose, teach or fairly suggest a virtual transaction account associated with virtual identification data, wherein the virtual transaction account has authorization to perform a transaction of monetary value with one or more other entities over the communication network, and wherein the virtual identification data does not identify the real entity to said one or more other entities over the communication network, as recited, in paraphrase, by independent claims 21-23.

Applicant respectfully asserts that Sterling merely describes a system wherein a visitor to an enabled site is represented by an instance of a virtual population for the site, and wherein the system learns information about the visitor during their visit. Specifically, in the portions of Sterling cited by the Examiner, Sterling merely describes a method and system for creating and managing virtual population mutual relationships (Abstract, Paragraphs [0028] [0134] and [0136]. Sterling also describes a “billing system” capable of billing based on real world visitor identification (Paragraph [0024,] claims 35 and 37). Therefore, to the extent that the billing system of Sterling implies transaction authorization, such authorization is clearly based on the identity of a real entity, and not on virtual identification data as required by the independent claims of the present application.

In addition, based on a careful review of the entire disclosure of Sterling, Applicant respectfully asserts that there is no mention in Sterling of the phrase “transaction account” or any similar term or phrase. Specifically, the word “account” appears only once in the entire disclosure of Sterling as a verb (Paragraph [0120]); and the word “transact” appears only once in the entire disclosure of Sterling in the context of loading a representative into memory (Paragraph [0150]).

Therefore, Sterling does not teach or fairly suggest virtual transaction account with authorization to perform a transaction of monetary value with one or more other entities over a communication network, wherein the virtual identification data does not identify the real entity to the one or more other entities over the communication network, as recited, in paraphrase, by independent claims 21-23.

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Furthermore, as discussed above, the "billing system" described by Sterling performs billing based on real world visitor identification (Paragraph [0024] and claim 35). In addition, Sterling describes storing information regarding a real world person, e.g., Beatrice, in a virtual representative of the real person (Paragraph [0152]). Accordingly, to the extent that Sterling deals with identification information, Sterling clearly teaches away from a system which relies on virtual identification data that does not identify the real entity to the one or more other entities over the communication network, as recited, in paraphrase, by independent claims 21-23.

In view of the above, it is respectfully submitted that independent claims 21-23 are not anticipated by Sterling. Accordingly, it is respectfully requested that the rejection of claims 21-23 under 35 U.S.C. §102(e) be withdrawn.

Furthermore, it is respectfully submitted that independent claims 21-23 are patentable, and thus allowable, over any combination of the prior art references on record. In this regard, it is noted that the distinguishing features of independent claims 21-23, as discussed above, would not have been obvious at the time the invention was made to a person skilled in the art, in view of Sterling, alone or in combination with any of the other cited references on record.

Claims 1-5 depend, directly or indirectly, from independent claim 21 and incorporate all the elements of this claim as well as additional distinguishing features. Claims 6-11 depend, directly or indirectly, from independent claim 22 and incorporate all the elements of this claim as well as additional distinguishing features. Claims 12-20 depend, directly or indirectly, from independent claim 23 and incorporate all the elements of this claim as well as additional distinguishing features. Therefore, it is respectfully submitted that claims 1-20 are patentable, and thus allowable, at least for the reasons set forth above.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 6-11, and the objections to claims 1-5 and 12-20.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

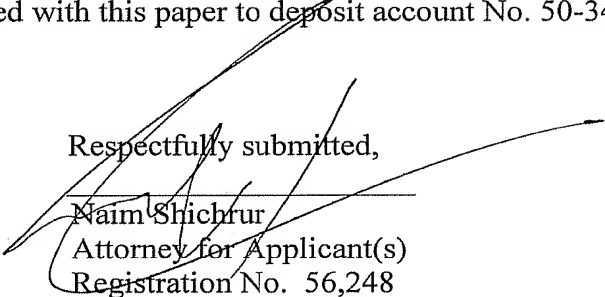
Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone

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number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3400.

Respectfully submitted,



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Dated: January 15, 2007

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